

Office Of The President,Dist.C.D.R.Forum

Old Judicial Building,Nuapada

consumer case(CC) No. CC/11/8

Yado kumr Sahu

.....Appellant(s)

Vs.

PIO,O/o BDO,Nuapada

.....Respondent(s)

BEFORE:

- 1. Sri Bhupat Lal Sao**
- 2. Tapaswani Panda**

Complainant(s)/Appellant(s):

OppositeParty/Respondent(s):

OppositeParty/Respondent(s):

OppositeParty/Respondent(s):

ORDER

THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM:NUAPADA. C.C.No. 08 of 2011. Yado Kumar Sahu, S/o:- Late Pitambar Sahu, At/Po:- Gotma, P.S:- Jonk, Dist:- Nuapada. Complainant. :- Versus :- The Public Information Officer, O/o Block Development Officer, Nuapada, At/Po/Ps/Dist:- Nuapada. Opp. Party. P R E S E N T S. 1.Sri B.L. Sao President, 2.Mrs. T.S. Panda Member. A P P E A R A N C E. For the Complainant :- S e l f For the Opp.party :- Sri A.K. Patra, Advocate. DATE OF FILING 08.03.2011. DATE OF JUDGMENT 11. 05.2011. In brief facts of the case is as under:- The Petitioner Yado Kumar Sahu filed an Application before the Public Information Officer, O/o the Block Development Officer, Nuapada (Hereinafter known as Opposite Party) to seek some information under Right to Information Act on 24.9.2010, but the O.P. did not provided the required information till date thereby the Petitioner sustained mental agony as the information relates to his deceased relative. In absence of proper information the Petitioner did not take any step against the responsible person. He had paid fee of Rs. 10/- (Rupees Ten) only by Treasury Challan to provide information, thus he is a consumer of the Opp. Party. Being aggrieved by non-supply of information by the Opp. Party he filed this case. The Petitioner relied on the following documents :- 1)Xerox copy of Acknowledgment of receipt of application from the petitioner by the Public Information Officer, dated 25.9.2010, and 2)Affidavit. Contd..... P/2. // 2 // Being noticed, Sri A.K. Patra, Advocate appeared on behalf of the Opposite Party but did not choose to file any written version thereafter the case is proceeded without written version of the Opp.party. The Petitioner had filed xerox copy of the acknowledgment of receipt of Application by the Opp.party wherein the Opp.party has put his signature (Pradip Kumar Samal). He also files his affidavit in support of his claim. As per the Right to Information Act, on receipt of request U/s 6 shall as expeditiously as possible and in any case within 30 days of receipt of the request either provided the information or reject the request. If he fails to give decision on the request for information within prescribed period shall be deemed to have refused the request. In the case in hand the opposite party had not provided the required information which amounts to deficiency in service. The Applicant had paid fee of Rs. 10/- for the purpose to avail the service of the opposite party i.e. for getting the information and thus he acquires the status of a consumer and the concerned Public Information Officer has automatically deemed to be a service provider. The Opp.party fails to furnish information without any valid reasons, constitute a deficiency in service. Thus he is responsible in his personal capacity. Similarly the Public Information Officer fined in his personal capacity and the department is no way responsible to pay the penalty for the fault of the Public Information Officer. The Petitioner had filed a citation in support of his allegation we relied on the order of "Hon'ble National Commission" in Revision Petition No. 1975 of 2005 wherein it is held that the application seeking information if information sought is not provided resulting in deficiency of service on that count." In view of the above, we pass an order U/s 14 (ii) (d) of the Consumer Protection Act, 1986 as below :- 1) The Opposite Party is directed to provide the information as requested by the Petitioner in his application under Right to Information Act, dated 25.9.2010. Contd..... P/3. // 3 // 2)The Opposite Party i.e. (Sri Pradip Kumar Samal) the Public Information Officer, O/o Block Development Officer, Nuapada, At/Po/Ps/Dist:- Nuapada is directed to pay a fine of Rs. 5,000/- (Rupees Five thousand) only to the Petitioner towards mental agony within 60 (sixty) days from the date of this order, failing which the Opposite party is liable to pay interest @ 9% per annum over the above amount from the date of filing of this case i.e. 08.3.2011 till payment. Judgement pronounced in the Open Court of the District Consumer Disputes Redressal Forum, Nuapada, this the 11th day of May 2011. Dictated and corrected by Sd/-(B.L.Sao) Sd/-(B.L.Sao) President, President, Dist.C.D.R.Forum,Nuapada. Dist.C.D.R.Forum,Nuapada. I a g r e e Sd/-(Mrs.T.Panda) Member, Dist.C.D.R.Forum,Nuapada.

THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM:NUAPADA. C.C.No. 08 of 2011. Yado Kumar Sahu, S/o:- Late Pitambar Sahu, At/Po:- Gotma, P.S:- Jonk, Dist:-

Nuapada. Complainant. :- Versus :- The Public Information Officer, O/o Block Development Officer, Nuapada, At/Po/Ps/Dist:- Nuapada. Opp. Party. P R E S E N T S. 1.Sri B.L. Sao President, 2.Mrs. T.S. Panda Member. A P P E A R A N C E. For the Complainant :- S e l f For the Opp.party :- Sri A.K. Patra, Advocate. DATE OF FILING 08.03.2011. DATE OF JUDGMENT 11. 05.2011. In brief facts of the case is as under:- The Petitioner Yado Kumar Sahu filed an Application before the Public Information Officer, O/o the Block Development Officer, Nuapada (Hereinafter known as Opposite Party) to seek some information under Right to Information Act on 24.9.2010, but the O.P. did not provided the required information till date thereby the Petitioner sustained mental agony as the information relates to his deceased relative. In absence of proper information the Petitioner did not take any step against the responsible person. He had paid fee of Rs. 10/- (Rupees Ten) only by Treasury Challan to provide information, thus he is a consumer of the Opp. Party. Being aggrieved by non-supply of information by the Opp. Party he filed this case. The Petitioner relied on the following documents :- 1)Xerox copy of Acknowledgment of receipt of application from the petitioner by the Public Information Officer, dated 25.9.2010, and 2)Affidavit. Contd..... P/2. // 2 // Being noticed, Sri A.K. Patra, Advocate appeared on behalf of the Opposite Party but did not choose to file any written version thereafter the case is proceeded without written version of the Opp.party. The Petitioner had filed xerox copy of the acknowledgment of receipt of Application by the Opp.party wherein the Opp.party has put his signature (Pradip Kumar Samal). He also files his affidavit in support of his claim. As per the Right to Information Act, on receipt of request U/s 6 shall as expeditiously as possible and in any case within 30 days of receipt of the request either provided the information or reject the request. If he fails to give decision on the request for information within prescribed period shall be deemed to have refused the request. In the case in hand the opposite party had not provided the required information which amounts to deficiency in service. The Applicant had paid fee of Rs. 10/- for the purpose to avail the service of the opposite party i.e. for getting the information and thus he acquires the status of a consumer and the concerned Public Information Officer has automatically deemed to be a service provider. The Opp.party fails to furnish information without any valid reasons, constitute a deficiency in service. Thus he is responsible in his personal capacity. Similarly the Public Information Officer fined in his personal capacity and the department is no way responsible to pay the penalty for the fault of the Public Information Officer. The Petitioner had filed a citation in support of his allegation we relied on the order of "Hon'ble National Commission" in Revision Petition No. 1975 of 2005 wherein it is held that the application seeking information if information sought is not provided resulting in deficiency of service on that count." In view of the above, we pass an order U/s 14 (ii) (d) of the Consumer Protection Act, 1986 as below :- 1) The Opposite Party is directed to provide the information as requested by the Petitioner in his application under Right to Information Act, dated 25.9.2010. Contd..... P/3. // 3 // 2)The Opposite Party i.e. (Sri Pradip Kumar Samad) the Public Information Officer, O/o Block Development Officer, Nuapada, At/Po/Ps/Dist:- Nuapada is directed to pay a fine of Rs. 5,000/- (Rupees Five thousand) only to the Petitioner towards mental agony within 60 (sixty) days from the date of this order, failing which the Opposite party is liable to pay interest @ 9% per annum over the above amount from the date of filing of this case i.e. 08.3.2011 till payment. Judgement pronounced in the Open Court of the District Consumer Disputes Redressal Forum, Nuapada, this the 11th day of May 2011. Dictated and corrected by Sd/-(B.L.Sao) Sd/-(B.L.Sao) President, President, Dist.C.D.R.Forum,Nuapada. Dist.C.D.R.Forum,Nuapada. I a g r e e Sd/-(Mrs.T.Panda) Member, Dist.C.D.R.Forum,Nuapada.

.....
Sri Bhupat Lal Sao

.....
Tapaswani Panda